

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL No. 1456
LITIGATION	)	Civil Action No. 01-12257-PBS
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	Hon. Patti B. Saris
	)	
<i>U.S. ex rel. Ven-a-Care of the Florida Keys,</i>	)	Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc.</i>	)	
No. 07-CV-11618-PBS	)	

**DECLARATION OF C. JARRETT ANDERSON SUBMITTING EXHIBITS  
IN SUPPORT OF PLAINTIFF'S RESPONSE TO  
ABBOTT'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, C. Jarrett Anderson, do hereby declare as follows:

1. I am an attorney at law in the State of Texas and counsel for Plaintiff Ven-A-Care of the Florida Keys, Inc. ("VAC"). I am a member in good standing with the State Bar of Texas. I have been admitted pro hac vice before this Court and am in good standing.
2. On behalf of the Plaintiff VAC, I am submitting with this declaration Exhibits in support of Plaintiff's Response to Abbott's Motion for Partial Summary Judgment.
3. The following exhibits are true and correct copies of the materials described therein and submitted with this declaration:

Exhibit No.	Description
1	3/20/07 Debra DeYoung transcript excerpts
2	2/15/01 First Amended Complaint, docket 00-cv-10698
3	4/23/09 John Lockwood transcript excerpts
4	7/22/08 Donald Lyle transcript excerpts
5	2/1/02 Second Amended Complaint, docket 00-cv-10698
6	2/15/05 Third Amended Complaint, docket 00-cv-10698
7	8/30/07 Complaint for Violations of the FCA against Abbott (00-cv-10698) docketed under 07-cv-11618
8	12/13/07 David Tawes transcript excerpts
9	July 1984 OIG Report, <i>Changes to the Medicaid Prescription Drug Program Could Save Millions</i>
10	9/21/01 Congressional Testimony
11	2/17/09 Joseph Fiske transcript excerpts
12	6/3/09 Congressional Record-Fraud Enforcement and Recovery Act of 2009
13	12/17/08 Beth Senger-Garvin transcript excerpts
14	2/20/09 April Gerzel transcript excerpts
15	2/19/09 Theresa Parker transcript excerpts
16	3/27/09 Expert Report of Mark G. Duggan
17	9/9/08 Neil Warren transcript excerpts

18	9/9/08 Warren Ex. 2 - July-September 1999 Leader Drug Stores Advantage contract pricing
19	Dew Spreadsheet
20	1/15/09 Russell Lehn Ex. 9
21	8-27-08 VAC Rule 26 Disclosure
22	1/17/08 John Lockwood transcript excerpts
23	7/27/09 John Lockwood transcript excerpts
24	12/6/07 John Lockwood transcript excerpts
25	12/4/06 VAC Answers and Objections to Abbott First Interrogatories
26	7/31/92 Complete Congressional Record-Prescription Drug Rebate Program Testimony
27	1/15/09 Russell Lehn transcript excerpts
28	3/22/07 Joseph Fiske transcript excerpts
29	NTIS Dept. of Commerce report "Assessment of Adequacy of Reimbursement Rates To Pharmacies and Its Impact on the Access to Medication and Pharmacy Services by Medicaid Recipients" p. 4
30	1994 HCFA Spring Review-"State Medicaid Pharmacy Payments and Their Relation to Estimated Costs" p. 26
31	2/17/09 Fiske exhibit 9 – fax dated 7/1/99
32	Declaration of Kevin Gorospe
33	Declaration of Mark G. Duggan, Ph.D.
34	7/24/89 The Pink Sheet – VA Obtains Rx Drug Price Discounts

35	1/2/08 FMI letter Kerry Weems re Final Rule to Implement Provisions of DRA Pertaining to Prescription Drugs
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I swear under the penalties of perjury that the foregoing statements are true and correct.

/s/ C. Jarrett Anderson  
C. Jarrett Anderson

Executed this 2nd day of November, 2009

I hereby certify that I have this day caused an electronic copy of the above **DECLARATION OF C. JARRETT ANDERSON SUBMITTING EXHIBITS IN SUPPORT OF PLAINTIFF'S RESPONSE TO ABBOTT'S MOTION FOR PARTIAL SUMMARY JUDGMENT** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: November 2, 2009

/s/ C. Jarrett Anderson  
C. Jarrett Anderson